

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
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3 ISRAEL GAMERO, et al.,  
4 Plaintiffs,  
5 v.  
6 KOODO SUSHI CORP., et al.,  
7 Defendants.

15 CV 2697 (KPF)  
Telephone Conference

8 -----x

New York, N.Y.  
March 18, 2016  
10:15 a.m.

9  
10 Before:

11 HON. KATHERINE POLK FAILLA,  
12 District Judge

13 APPEARANCES

14 MICHAEL FAILLACE & ASSOCIATES, P.C.  
15 Attorneys for Plaintiffs  
16 BY: RAQUEL AMALIA GUTIERREZ

17 MICHELLE KOO  
18 Defendant pro se  
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1 (In chambers)

2 THE DEPUTY CLERK: In the matter of Israel Gamero,  
3 et al. versus Koodo Sushi.

4 If the parties could please identify themselves,  
5 beginning with plaintiff.

6 MS. GUTIERREZ: Good morning, your Honor, Raquel  
7 Gutierrez on behalf of the plaintiffs.

8 THE COURT: Good morning.

9 MS. KOO: Good morning, your Honor. This is Michelle  
10 Koo.

11 THE COURT: Good morning to both of you. Thank you  
12 very much for participating in this telephone conference.

13 I convened this conference because I received the  
14 letter from the parties indicating that discovery had concluded  
15 and it was time to talk about setting a trial date.

16 Let me begin, first, by asking Ms. Gutierrez: Would  
17 you please, at the conclusion of this proceeding, obtain in the  
18 ordinary course a transcript of this conference.

19 MS. GUTIERREZ: Yes. No problem.

20 THE COURT: Thank you very much.

21 Ms. Gutierrez and Ms. Koo, I'm looking at my trial  
22 calendar, and I think it is too soon to have one in April.  
23 That won't give us enough time to get ready. I have a couple  
24 of moving pieces in May, which may suggest some trial time the  
25 week of May 23rd or the week of the 30th. And then after that

1 it gets a little bit hairy. I may have to let you know a  
2 little bit later on when I can see you.

3 Ms. Gutierrez, may I ask you: Do you personally, or  
4 folks with whom you will be conducting this trial, have trial  
5 commitments for the next couple of months?

6 MS. GUTIERREZ: Yes. Actually, I believe I have a  
7 trial scheduled before your Honor on April 11th; and then the  
8 following week, April 18th, I have another one scheduled.  
9 Then, after that, I don't have anything firmly on my calendar  
10 yet, no.

11 THE COURT: The April 11th is the Urtecho trial?

12 MS. GUTIERREZ: Correct.

13 THE COURT: Yes, I still have it.

14 MS. KOO: Your Honor, I'm sorry. This is Michelle  
15 Koo. I won't be back in the States until April 18th.

16 THE COURT: That is fine. I'm going to talk to you  
17 momentarily. I just wanted to get Ms. Gutierrez's calendar,  
18 and then I will get yours.

19 Ms. Gutierrez, we have you out for the week of the  
20 11th because you will be having a trial before me any way you  
21 look at it.

22 May I ask you, as well, Ms. Gutierrez, do you have any  
23 commitments that would have you out of district in the next  
24 three or four months?

25 MS. GUTIERREZ: Actually, I'm trying to plan something

1 right now for the end of June, early July period. I'm not sure  
2 of the exact dates. I anticipate not being here during that  
3 time.

4 THE COURT: I will keep that in mind. Thank you very  
5 much.

6 Ms. Koo, let me understand, please, the dates that you  
7 will be out of the country.

8 MS. KOO: Today.

9 THE COURT: You leave today?

10 MS. KOO: Yes, today.

11 THE COURT: You're coming back the 18th of April?

12 MS. KOO: Correct.

13 THE COURT: And while you're gone, we won't have the  
14 ability to contact you; is that correct?

15 MS. KOO: Mostly no, because I didn't open the plan  
16 because it is very expensive.

17 THE COURT: That's fine.

18 MS. KOO: I can receive an e-mail, because when I have  
19 chance for free Wi-Fi, I always log in.

20 THE COURT: Do we have your e-mail address?

21 MS. KOO: Yes.

22 THE COURT: If not, we will check in with  
23 Ms. Gutierrez, who has it.

24 MS. GUTIERREZ: I have been in good communication with  
25 Ms. Koo over e-mail.

1 THE COURT: I thank you for letting me know that.

2 Separate from this trip that begins today, do you have  
3 any other plans to be out of state or out of the country in  
4 June or May or July or any of those months?

5 MS. KOO: July-- no, nothing for July. From August,  
6 yes, because as I said last time, my mom is 83 years old. The  
7 lady who taking care of her, my aunt, she passed away two weeks  
8 ago. I have to help my mom to relocate. At this time, I'm  
9 going to bring my mom back to the states again with me on  
10 April 18th. Then I'm going to help her looking for somewhere  
11 in Florida by the end of July. That's what we plan.

12 THE COURT: All right. I will keep that in mind.  
13 Thank you.

14 All right. Then, I think we have a couple of  
15 conflicts, and I will try and see how firm my other trial dates  
16 are and get back to the parties on that.

17 Ms. Koo, let me ask you a separate question, please.

18 MS. KOO: Sure.

19 THE COURT: When we were discussing the possibility of  
20 settlement in this case, I appointed for you an attorney, the  
21 woman at Seyfarth Shaw who assisted you with the settlement  
22 discussions. We call that a limited purpose appointment. My  
23 question is: Would you like me to see if I can find an  
24 attorney to assist you with the trial in this case. It would  
25 be a limited purpose appointment. Their job would be to help

1 you with the trial. I can't promise anything. Do you want me  
2 to see if someone is available for that purpose?

3 MS. KOO: Sure. Please. Thank you.

4 THE COURT: Apparently, I have the next month to do  
5 that because you will be out of the country. When you get  
6 back, we will begin discussions about really firming up a trial  
7 date.

8 Thank you, both. I did not fully appreciate the  
9 issues with schedules. I need to work on this a little bit  
10 more at my end, so we'll talk again very shortly upon Ms. Koo's  
11 return, and I thank you both for participating in the call  
12 today.

13 MS. KOO: Thank you so much.

14 MS. GUTIERREZ: Thank you.

15 MS. KOO: You have a wonderful day.

16 THE COURT: Thank you. You, as well.

17 (Adjourned)  
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